

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ROGER JOHNSON,

Petitioner,

v.

Case No. 05-C-838

JEFFREY ENDICOTT,

Respondent.

ORDER ON THE HABEAS CORPUS PETITION

Roger Johnson (“Johnson”), is a prisoner incarcerated pursuant to a Wisconsin state court judgment and seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Under Rule 4 Rule of the Rules Governing Section 2254 Cases, this court must make a preliminary examination of the petition. If the court finds that “it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in district court, the judge shall make an order for its summary dismissal.” Rule 4, Rules Governing Section 2254 Cases.

In his petition, Johnson alleges four grounds for relief. In grounds one through three, Johnson alleges that the sentence he received was inappropriate for a variety of reasons. As for his fourth ground, Johnson argues that the jury should have been instructed as to the negligent use of a dangerous weapon.

From a review of his petition, the court is unable to say that it plainly appears that Johnson is not entitled to relief and therefore shall order the respondent to answer the petition.

IT IS THEREFORE ORDERED that a copy of Johnson's petition and this order shall be served upon the respondent by service upon the State of Wisconsin Attorney General.

IT IS FURTHER ORDERED that the respondent shall answer the petition within **30 days** after service of the petition.

Dated at Milwaukee, Wisconsin this 31st day of May, 2007.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge